

**Senate File 68 - Introduced**

SENATE FILE 68

BY COURNOYER

**A BILL FOR**

1 An Act relating to the overtaking and passing of bicycles by  
2 motor vehicles, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.299, Code 2021, is amended to read  
2 as follows:

3 **321.299 Overtaking a vehicle or bicycle.**

4 The following rules shall govern the overtaking and passing  
5 of vehicles and bicycles proceeding in the same direction,  
6 subject to those limitations, exceptions, and special rules  
7 hereinafter stated:

8 1. The driver of a vehicle overtaking another vehicle  
9 proceeding in the same direction shall pass to the left of the  
10 other vehicle at a safe distance and shall not again drive  
11 to the right side of the roadway until safely clear of the  
12 overtaken vehicle.

13 2. Except when overtaking and passing on the right is  
14 permitted, the driver of an overtaken vehicle shall give way  
15 to the right in favor of the overtaking vehicle and shall not  
16 increase the speed of the overtaken vehicle until completely  
17 passed by the overtaking vehicle.

18 3. The driver of a vehicle overtaking a person riding a  
19 bicycle proceeding in the same direction on a roadway shall  
20 pass to the left of the bicycle in an adjacent travel lane or  
21 on the opposite side of the roadway and shall not again drive  
22 to the right side of the roadway until safely clear of the  
23 overtaken bicycle in accordance with section 321.281. This  
24 subsection does not apply to a vehicle overtaking a bicycle  
25 which is traveling on a paved shoulder or in a lane designated  
26 for the travel of bicycles.

27 Sec. 2. Section 321.304, Code 2021, is amended to read as  
28 follows:

29 **321.304 Prohibited passing.**

30 ~~No~~ A vehicle shall not, in overtaking and passing another  
31 vehicle, a bicycle, or at any other time, be driven to the left  
32 side of the roadway under the following conditions:

33 1. When approaching the crest of a grade or upon a curve  
34 in the highway where the driver's view along the highway is  
35 obstructed for a distance of approximately seven hundred feet.



1 Under Code section 321.234, a person riding a bicycle on the  
2 highway is subject to the provisions of Code chapter 321 (motor  
3 vehicles and law of the road) and has all the rights and duties  
4 applicable to the driver of a vehicle. The bill specifies  
5 that under Code section 321.304 a vehicle is prohibited from  
6 overtaking and passing a bicycle when approaching the crest of  
7 a grade or upon a curve in the highway where the driver's view  
8 along the highway is obstructed for a distance of approximately  
9 700 feet; when approaching within 100 feet of any narrow  
10 bridge, viaduct, or tunnel; or when approaching within 100 feet  
11 of or traversing any intersection or railroad grade crossing.  
12 However, the bill provides that a vehicle may pass a bicycle  
13 where official signs are in place directing that traffic keep  
14 to the right or a distinctive center line or off-center line  
15 is marked, provided the vehicle complies with the current  
16 requirements for overtaking on the left.

17 A violation of Code section 321.304 is punishable by a  
18 scheduled fine of \$135. However, if the violation causes a  
19 serious injury, a court could impose an additional fine of \$500  
20 and suspend the person's driver's license for not more than 90  
21 days. If the violation causes a death, a court could impose  
22 an additional fine of \$1,000 and suspend the person's driver's  
23 license for not more than 180 days.